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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,789	03/30/2001	Nikolas Bergerhoff	449122004000	3534

7590 08/08/2006

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2000 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20002-1888

EXAMINER

TSE, YOUNG TOI

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

88

Office Action Summary	Application No.	Applicant(s)	
	09/820,789	BERGERHOFF, NIKOLAS	
	Examiner	Art Unit	
	YOUNG T. TSE	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Mabuchi et al. (US Patent 4,007,455), hereinafter "Mabuchi".

With respect to claims 1 and 3, Mabuchi discloses a radio control transmitter in Figure 1 for transmitting a rectangular wave to a radio control receiver in Figure 3 through a wireless communication channel. In Figure 1, the radio control transmitter comprises an encoder 1 having an oscillator for generating a rectangular wave (a) (see Fig. 2A), mono-stable multivibrators 7-1 through 7-3 and variable resistors 8-1 through 8-3 for selecting pulse widths in the responsive mono-stable multivibrators 7-1 through 7-3, diodes 9-1 through 9-3, and differentiating circuits 10-1 through 10-3 (see Figs. 2B-2C), the output of the encoder 1 provides a reshaping signal (d) (see Fig. 2D) to the wireless transmission channel in such a manner that at least one of reproducibility and transmissibility is exacerbated through the block elements 2-5 and the antenna of the radio control transmitter. The radio control receiver comprises at least a detector 12, which supplies an output signal (h) (see Fig. 4B) when reshaping is present. During a signal transmission between the transmitter and the receiver, the signal transmission

occurs using variable electromagnetic waves, for example, the electromagnetic waves of figures 2A-2F in the transmitter and figures 4A-4F in the receiver are variable.

With respect to claims 2 and 4, the radio control transmitter includes the encoder 1 which activates and reshapes the rectangular wave in a predetermined manner in time and the radio control receiver includes a comparison device 12 which checks whether the received signal is pre-emphasized in the predetermined manner in time.

With respect to claim 6, the encoder 1 includes at least one diode 9-1, 9-2, or 9-3, which is included in a line between the oscillator 6 and the antenna.

With respect to claim 8, the encoder 1 includes a series circuit, comprising a diode 9-1, 9-2, or 9-3 and a differentiation element 10-1, 10-2 or 10-3, in a line between the oscillator 6 and the antenna.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mabuchi et al. as applied to claim 3 in view of Quist et al. (US Patent 6,199,018 B1) hereinafter "Quist".

Although Mabuchi does not explicitly show or suggest that the receiver circuit comprises a sensor to convert a magnetic flux density or a magnetic field strength to an electrical voltage or an electrical current.

Quist discloses a related transmission/reception circuit in Figure 2B comprising a microprocessor 28 receives as an input the output signals from an electromagnetic flux sensor 36 that includes a flux sensing device and a conditioning amplifier. The flux sensor 36 should be positioned appropriately with respect to an associated machine 11 to detect the magnitude of the flux existing in the stator of the machine 11. The flux sensor 36 allows for a determination of the rotor speed and the load of the machine 11 (see column 8, line 63 to column 9, line 6). The processor 28 is coupled to a communication board 26, a modem 30 or an RF transceiver 32 for further processing of the processed signal.

Therefore, it would have been obvious to one of ordinary skill in the art to use a sensor in the front end receiver section of Mabuchi's receiver circuit to convert a magnetic flux density or a magnetic field strength to an electrical voltage or an electrical current as taught by Quist in order to determine counter signal various parameters of gear or shaft such as speed, acceleration and/or position of a motor.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

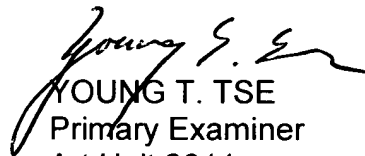
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-30513051. The examiner can normally be reached on Monday-Thursday and alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The Central FAX Number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


YOUNG T. TSE
Primary Examiner
Art Unit 2611